

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.)	
and HONEYWELL INTELLECTUAL)	
PROPERTIES INC.,)	
)	
Plaintiffs,)	
)	C.A. No. 04-1338-KAJ
v.)	
)	
APPLE COMPUTER, INC.; et al.,)	
)	
Defendants.)	
)	
<hr/>)	
OPTREX AMERICA, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1536-KAJ
)	
HONEYWELL INTERNATIONAL INC.)	
and HONEYWELL INTELLECTUAL)	
PROPERTIES INC.,)	
)	
Defendants.)	

**HONEYWELL’S MOTION FOR CONSOLIDATION AND STAY
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 42**

Honeywell International Inc. and Honeywell Intellectual Properties Inc. (collectively, “Honeywell”) hereby move the Court, pursuant to Federal Rule of Civil Procedure 42, for consolidation of Civil Action No. 04-1536-KAJ, a recently filed declaratory judgment action involving Honeywell’s 5,280,371 patent (“the ‘371 patent”), with Civil Action No. 04-1338-KAJ, Honeywell’s earlier filed main infringement action involving the same patent. Honeywell seeks consolidation for purposes of discovery only, and also seeks a corresponding post-discovery stay of Civil Action No. 04-1536, pending resolution of Civil Action No.

04-1338. The grounds for this motion are set forth in Honeywell's Opening Brief in Support of Its Motion for Consolidation and Stay, which is filed contemporaneously herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL

/s/ Thomas C. Grimm

Thomas C. Grimm (#1098)

Leslie A. Polizoti (#4299)

1201 N. Market Street

P.O. Box 1347

Wilmington, DE 19899-1347

(302) 658-9200

*Attorneys for Honeywell International Inc.
and Honeywell Intellectual Properties Inc.*

OF COUNSEL:

Martin R. Lueck

Matthew L. Woods

Stacie E. Oberts

Denise S. Rahne

ROBINS, KAPLAN, MILLER

& CIRESI L.L.P.

2800 LaSalle Plaza

800 LaSalle Avenue

Minneapolis, MN 55402-2015

(612) 349-8500

Anthony A. Froio

Marc N. Henschke

ROBINS, KAPLAN, MILLER

& CIRESI L.L.P.

111 Huntington Avenue, Suite 1300

Boston, MA 02199

617-267-2300

March 10, 2005

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RULE 7.1.1 CERTIFICATION

The undersigned counsel for Honeywell International Inc. and Honeywell Intellectual Properties Inc. (hereinafter “Honeywell”), hereby certifies that counsel for Honeywell conferred with counsel for the opposing parties in C.A. No. 04-1338-KAJ and C.A. No. 04-1536-KAJ and was unable to reach agreement on the relief sought by this motion.

/s/ Thomas C. Grimm

Thomas C. Grimm (#1098)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.)	
and HONEYWELL INTELLECTUAL)	
PROPERTIES INC.,)	
)	
Plaintiffs,)	
)	C.A. No. 04-1338-KAJ
v.)	
)	
APPLE COMPUTER, INC.; et al.,)	
)	
Defendants.)	
)	
<hr/>)	
OPTREX AMERICA, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1536-KAJ
)	
HONEYWELL INTERNATIONAL INC.)	
and HONEYWELL INTELLECTUAL)	
PROPERTIES INC.,)	
)	
Defendants.)	

PROPOSED ORDER

WHEREAS, Honeywell International Inc. and Honeywell Intellectual Properties Inc. having moved this Court, pursuant to Federal Rule of Civil Procedure 42, for consolidation of Civil Action No. 04-1338-KAJ (Honeywell International Inc., et al. v. Apple Computer Inc., et al.) and Civil Action No. 04-1536-KAJ (Optrex America, Inc. v. Honeywell International Inc., et al.) for purposes of discovery and for post-discovery stay of Civil Action No. 04-1536 pending resolution of Civil Action No. 04-1338; and

WHEREAS, the Court having heard the parties and having found good cause for the present motion under Rule 42;

IT IS HEREBY ORDERED this ____ day of _____, 2005, that Honeywell International Inc. and Honeywell Intellectual Properties Inc.'s Motion to Consolidate and Stay is GRANTED, and Civil Action No. 04-1536-KAJ (Optrex America, Inc. v. Honeywell International Inc., et al.) is hereby consolidated with Civil Action No. 04-1338-KAJ (Honeywell International Inc., et al. v. Apple Computer Inc., et al.) for purposes of discovery, and Civil Action No. 04-1536 then being stayed for post-discovery purposes pending resolution of Civil Action No. 04-1338.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2005, I electronically filed the foregoing document with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

Frederick L. Cottrell, III	cottrell@rlf.com
William J. Wade	wade@rlf.com
Thomas L. Halkowski	halkowski@fr.com
John W. Shaw	jshaw@ycst.com
Richard L. Horwitz	rhowitz@potteranderson.com
Adam Wyatt Poff	apoff@ycst.com
Philip A. Rovner	provner@potteranderson.com
Francis DiGiovanni	fd@cblh.com
Arthur G. Connolly, III	ac3@cblhlaw.com
Amy Evans	aevans@crosslaw.com
Donald W. Huntley	huntley@monopolize.com
Andre G. Bouchard	abouchard@bmf-law.com

and Thomas C. Grimm (tgrimm@mnat.com).

I also certify that on March 10, 2005, I caused to be served true and correct copies of the foregoing document on the following in the manner indicated below:

BY HAND

Frederick L. Cottrell, III
 RICHARDS LAYTON & FINGER
 One Rodney Square
 P.O. Box 551
 Wilmington, DE 19899-0551
*Attorneys for Eastman Kodak
 Company*

William J. Wade
 RICHARDS LAYTON & FINGER
 One Rodney Square
 P.O. Box 551
 Wilmington, DE 19899-0551
*Attorneys for Matsushita Electrical
 Industrial Co. and Matsushita
 Electrical Corporation of America*

Thomas L. Halkowski
FISH & RICHARDSON P.C.
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114
*Attorneys for Apple Computer, Inc.,
Casio Computer Co., Ltd., and Casio,
Inc.*

Richard L. Horwitz
David E. Moore
POTTER ANDERSON
& CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899
*Attorneys for Concord Cameras,
Dell Inc., Fujitsu Limited, Fujitsu
America, Inc. and Fujitsu Computer
Products of America, Inc., Toshiba
Corporation, and Toshiba America,
Inc.*

Philip A. Rovner
POTTER ANDERSON
& CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899
*Attorneys for Fuji Photo Film Co.,
Ltd. and Fuji Photo Film U.S.A., Inc.*

Arthur G. Connolly, III
CONNOLLY, BOVE, LODGE
& HUTZ
The Nemours Building, 8th Floor
1007 N. Orange Street, P.O. Box 2207
Wilmington, DE 19899
*Attorneys for Navman NZ Limited
and Navman U.S.A. Inc.*

John W. Shaw
YOUNG CONAWAY STARGATT
& TAYLOR LLP
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
*Attorneys for Olympus Corporation,
Olympus America, Inc., Sony
Corporation and Sony Corporation
of America*

Adam Wyatt Poff
YOUNG CONAWAY STARGATT
& TAYLOR LLP
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
*Attorneys for Pentax Corporation
and Pentax U.S.A., Inc.*

Francis DiGiovanni
James M. Olsen
CONNOLLY, BOVE, LODGE
& HUTZ
The Nemours Building, 8th Floor
1007 N. Orange Street
P.O. Box 2207
Wilmington, DE 19899
*Attorneys for Sony Ericcson Mobile
Communications AB and Sony Ericcson
Mobile Communications (USA) Inc.*

Amy Evans
CROSS & SIMON
913 N. Market Street, Suite 1001
P.O. Box 1380
Wilmington, DE 19899-1380
*Attorneys for Argus a/k/a Hartford
Computer Group, Inc.*

Donald W. Huntley
HUNTLEY & ASSOCIATES, LLC.
1105 North Market Street, Suite 800
P.O. Box 948
Wilmington, DE 19899-0948
Attorneys for Kyocera Wireless Corp.

Andre G. Bouchard, Esquire
Karen L. Pascale, Esquire
BOUCHARD MARGULES
& FRIEDLANDER, P.A.
222 Delaware Avenue, Suite 1400
Wilmington, DE 19801
*Attorneys for Third-Party Defendant
Optrex America, Inc.*

/s/ Thomas C. Grimm

Thomas C. Grimm (#1098)